

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

JIMMY (BILLY) McCLENDON, et al.,

Plaintiffs,

vs.

CIV 95-24 JB /KBM

CITY OF ALBUQUERQUE, et al.,

Defendants.

**PLAINTIFF AND PLAINTIFF INTERVENERS’
JOINT REQUEST FOR EXPEDITED HEARING ON MOTION FOR ENFORCEMENT
OF CHECK OUT AUDIT AGREEMENT NO. 1 (DOC. NO. 1222-2) AND
FOR FURTHER REMEDIAL RELIEF, DOC. NO. 1468**

COME NOW Plaintiffs and Plaintiff-Interveners, through undersigned counsel (“Plaintiffs”), and request an expedited hearing on their Joint Motion for Enforcement of Check-Out Audit Agreement No. 1, Etc. Doc. No. 1468, concerning medical services at the Metropolitan Detention Center (“MDC”).

Counsel for Defendant Bernalillo County (“Defendant”) is available for a hearing on the afternoon of January 20, the afternoon of January 21, January 24, January 28, February 14, February 21, and February 22, 2022.

Counsel for Plaintiffs and Plaintiff-Interveners are available on the same dates as counsel for Defendant.

As grounds to support an expedited hearing, Plaintiffs state:

1. On September 10, 2021, the Court’s medical expert at the time, Dr. Robert Greifinger, issued a report regarding MDC medical services that identified patients whose care was “substantially deficient,” described systemic deficiencies, and noted that “[t]hese problems

were apparent in several deaths.” He found “life-threatening” “lapses in medication continuity for patients on essential medications. He concluded there was “[s]ubstantial risk of harm [remaining].” Doc. 1503, page 2; *see also id.*, pages 8-12. Dr. Greifinger also concluded that clinical performance had not improved since his last visit, six months earlier. *Id.*, page 6.

2. Dr. Greifinger expressed the concern that the transition to a new medical vendor, which would include a new platform for electronic medical records, would lead to additional problems in providing medical services at MDC.
3. Since the change in the medical vendor contract in mid-October, 2021, MDC has no medical director or physician on-site, and an increasing number of nursing vacancies. Doc. 1502, page 27. Nursing personnel at MDC report having to cover multiple assignments at MDC, due to a severe shortage of nurses.
4. Over the Christmas holiday, Plaintiffs’ counsel learned that there was only one nurse on staff, to cover the entire facility for one shift. A second nurse arrived later. On a daily basis, MDC has an average of approximately 1,200 incarcerated inmates, many of whom have serious mental or physical health issues, including life threatening illnesses and conditions.

For these reasons, Plaintiffs respectfully request that this Court set this matter for an expedited hearing to address all emergent issues regarding medical services at MDC currently before the Court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2021, I filed the forgoing document electronically through the CM/ECF system, which caused all counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

Nancy L. Simmons